



adequate. *In re OCA, Inc. Securities and Derivatives Litigation*, 2008 U.S. Dist LEXIS 84869 (E.D. La.) at \*36-\*54 (discussing preliminary settlement procedure in 5<sup>th</sup> Circuit).

2. The parties are currently completing the formal settlement documents and anticipate being able to file by June 4, 2010, the proposed settlement, together with a proposed form of notice and other documents, together with a joint motion for preliminary approval of the proposed class action settlement.

3. The parties request a hearing for the Court to consider preliminary approval of the proposed settlement sometime between June 7 and June 15, if possible. The hearing should take 30-45 minutes.

Wherefore, premises considered, the parties request an expedited hearing on their joint motion for preliminary approval of class action settlement. The parties also pray for general relief.

Respectfully submitted,

BINGHAM & LEA, P.C.  
319 Maverick Street  
San Antonio, Texas 78212  
(210) 224-1819 Telephone  
(210) 224-0141 Facsimile

\_\_\_\_\_/s/ Benjamin R. Bingham\_\_\_\_\_  
BENJAMIN R. BINGHAM  
Texas State Bar No. 02322350  
BINGHAM, & LEA, P.C.  
319 Maverick Street  
San Antonio, Texas 78212  
(210) 224-1819 Telephone  
(210) 224-0141 Facsimile

LAW OFFICE OF H. ANTHONY HERVOL  
4414 Centerview Drive, Suite 200  
San Antonio, TX 78228  
Telephone: (210) 522-9500  
Facsimile: (210) 522-0205  
Email: [hervol@sbcglobal.net](mailto:hervol@sbcglobal.net)

\_\_\_\_\_/s/ H. Anthony Hervol\_\_\_\_\_  
H. Anthony Hervol  
State Bar No. 00784264

**Attorneys for Plaintiffs**

JACKSON WALKER, L.L.P.  
112 E. Pecan, Suite 2400  
San Antonio, Texas 78205  
Telephone : (210) 978-7700  
Facsimile: (210) 978-7790

\_\_\_\_\_/s/ Melodee L. Gruber\_\_\_\_\_  
Richard G. Garza  
State Bar No. 07737200  
[rgarza@jw.com](mailto:rgarza@jw.com)  
Melodee L. Gruber  
State Bar No. 24004680  
[mgruber@jw.com](mailto:mgruber@jw.com)

**Attorneys for Defendant**